

Jonathan K. Levine (State Bar No. 220289)
jkl@girardgibbs.com
Elizabeth C. Pritzker (State Bar No. 146267)
ecp@girardgibbs.com
Todd I. Espinosa (State Bar No. 209591)
tie@girardgibbs.com
GIRARD GIBBS LLP
601 California Street
San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Class Counsel and
Attorneys for Plaintiffs Clarke and Rebecca Wixon,
Norman and Barbara Wixon, and Kandice Scattolon

[Additional counsel appear on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Clarke and Rebecca Wixon, Norman and Barbara Wixon, and Kandice Scattolon, on behalf of themselves and all others similarly situated.

Case No. C 07-02361 JSW

Plaintiffs

**STIPULATION AND [PROPOSED]
ORDER CONTINUING SETTLEMENT
DOCUMENTATION FILING DATE**

CLASS ACTION

Wyndham Resort Development Corp. (f/k/a
Trendwest Resorts, Inc.).

Before: Hon. Jeffrey S. White

Defendant:

STIPULATION AND [PROPOSED] ORDER CONTINUING SETTLEMENT DOCUMENTATION FILING DATE

1 On July 7, 2010, Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and
 2 Kandice Scattolon (collectively, "Plaintiffs") and Defendant Wyndham Resort Development
 3 Corporation ("Wyndham") (Plaintiffs and Wyndham are referred to collectively as the "Parties")
 4 notified the Court that they had reached a settlement in principle of all claims asserted by Plaintiffs,
 5 individually and on behalf of the class, against Wyndham and sought a stay of the litigation while they
 6 negotiated and prepared the settlement documentation. [Dkt. No. 501.] The Parties sought to have the
 7 settlement documentation finalized and presented to the Court by September 24, 2010. On that same
 8 date, the Court entered a stipulated order suspending pre-trial and trial deadlines, pending submission
 9 of formal settlement documentation to the Court. [Dkt. No. 502.]

10 Prior to and following the entry of the stipulated order, the Parties, through their counsel,
 11 exchanged draft settlement documents, exhaustively conferred with each other to resolve drafting
 12 concerns, discussed plans for providing notice to the class, and met with their respective clients and
 13 client representatives to discuss and resolve issues pertaining to the settlement and the documentation
 14 thereof and to obtain the necessary client approvals and authorizations by the September 24 deadline.
 15 Despite the Parties' substantial progress accomplished through diligent, good faith, and cooperative
 16 efforts to complete these tasks, the Parties were unable to finalize the settlement documentation and
 17 obtain the necessary client approvals by the September 24 deadline. Accordingly, the Parties sought
 18 [Dkt. No. 656], and the Court granted [Dkt. No. 657], an extension to file the settlement documentation
 19 by October 19, 2010.

20 Wyndham's counsel was out of the country for two weeks during the time extension. When
 21 counsel returned, the Parties assiduously resumed their efforts to finalize the settlement documentation
 22 and, as of this morning, are now very close to concluding their task. Despite their continuing best
 23 efforts, the Parties require an additional short, two-day time extension to finalize and file the settlement
 24 documents. Accordingly, the Parties agree to and hereby seek, subject to the Court's approval, a two-
 25 day extension of the date to submit the final settlement documentation to the Court, from October 19,
 26 2010 to October 21, 2010.

1
2 PURSUANT TO STIPULATION, IT IS SO ORDERED.
3
4

5 Dated: October 19, 2010
6

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Honorable Jeffrey S. White
United States District Judge



1 Dated: October 18, 2010

Respectfully submitted,

2
3
GIRARD GIBBS LLP

4 By: /s/ Jonathan K. Levine
Jonathan K. Levine

5 Elizabeth C. Pritzker
6 601 California Street, 14th Floor
7 San Francisco, California 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

8 James Helfrich (*admitted pro hac vice*)
9 **GERSH & HELFRICH, LLP**
10 1860 Blake Street, Suite 300
Denver, Colorado 80202
Telephone: (303) 293-2333
Facsimile: (303) 293-2433

11
12 *Attorneys for the Class and Plaintiffs Clarke and Rebecca*
Wixon, Norman and Barbara Wixon, and Kandice
Scattolon

1 Dated: October 18, 2010

2 **TROUTMAN SANDERS, LLP**

3 By: /s/ A. William Loeffler

4 A. William Loeffler (*admitted pro hac vice*)

5 J. Kirk Quillian (*admitted pro hac vice*)

6 A. William Loeffler (*admitted pro hac vice*)

7 5200 Bank of America Plaza

8 600 Peachtree Street, N.E.

9 Atlanta, Georgia 30308-2216

10 Telephone: (404) 885-3000

11 Facsimile: (404) 885-3900

12 **SCHIFF HARDIN LLP**

13 Stephen M. Hankins

14 One Market, Spear Street Tower, 32nd Floor

15 San Francisco, California 94105

16 Telephone: (415) 901-8700

17 Facsimile: (415) 901-8701

18 *Attorneys for Defendant Wyndham Resort
Development Corporation*